

1 A. Well, I had recovered the records for the fan
2 club, and we found proof that she was stealing.

3 MR. TINKER: Your Honor --

4 Excuse me.

5 I object to this. He's now
6 testifying about the records that we've been trying
7 to get him to show us at this time.

8 THE COURT: I'm going to sustain the
9 objection, for now.

10 MR. TINKER: I request that the jury
11 be instructed to disregard. If we can't see those
12 records, he shouldn't be testifying about them.

13 THE COURT: That is my instruction,
14 for now. We'll have a hearing on this matter.

15 As a matter of fact, members of the
16 jury, I think we'll dismiss you at this time. And
17 have a nice lunch, and we'll see you back here at
18 1:00 o'clock.

19 (Jury released to jury room -
20 11:30 a.m.)

21 MR. TINKER: Are we still in session,
22 Your Honor?

23 THE COURT: Yes, we are. You may
24 proceed.

25 MR. TINKER: Well, when you're

1 referring to the records, what records are you
2 referring to, Mr. Quintanilla?

3 THE WITNESS: The fan club records.

4 MR. TINKER: Where would those
5 records be?

6 MR. VALDEZ: Excuse me.

7 Your Honor, is this voir dire? Is he
8 taking him on voir dire or what?

9 THE COURT: I don't know.

10 MR. TINKER: Well, you told me to
11 proceed; and it's not my turn.

12 THE COURT: I think it's a legal
13 matter first that we need to resolve.

14 MR. TINKER: Well, the issue, Your
15 Honor, is that we have tried to subpoena these
16 records. We tried to discover them in the
17 discovery motion. He is now testifying or
18 attempting to testify that he looked at these
19 records that he got from the fan club and concluded
20 that she was stealing. Now, if he gets to look at
21 them and make those conclusions, we get to see what
22 it is that he saw. And we should have been able to
23 see those prior to trial.

24 THE COURT: Mr. Tinker, the Court has
25 granted all records that relate to the testimony in

1 this case.

2 MR. TINKER: Well, Your Honor, but
3 that's not what he's talking about. What you've
4 given to us is what they have. I want to ascertain
5 what records he's referring to. It's not going to
6 be what you're talking about.

7 MR. VALDEZ: Your Honor, it is the
8 State's contention that what Mr. Quintanilla is
9 talking about are the records that he turned over
10 to the Court. Those are the records that he based
11 his suspicions on, those are the records he's
12 talking about. Everything has been turned over to
13 the Court. Whatever the Court turned over to the
14 defense, we don't know; but those are the records
15 he's talking about. That's our contention and we
16 can --

17 THE COURT: You don't know what the
18 Court turned over, do you?

19 MR. VALDEZ: No, sir.

20 THE COURT: You've been given a
21 letter to that effect, sir.

22 MR. VALDEZ: But nothing was attached
23 to the letter. It was just a letter saying that
24 certain records had been turned over to the
25 defense. It doesn't say what records, it didn't

1 have anything attached.

2 MS. STERLING: I believe --

3 MR. TINKER: But, Your Honor, the
4 main problem is the records, we have them here,
5 that you turned over to us are not fan club
6 records, they are Selena Etc. records. We have
7 received no fan club records. That's why in
8 pretrial we were saying we need these, because this
9 is what we knew was coming. They said they weren't
10 going to do this.

11 THE COURT: All right.

12 MR. TINKER: I would like to show you
13 what they gave us.

14 THE COURT: Let's stand by for a
15 minute.

16 When do they need to take the jury
17 out?

18 THE BAILIFF: Well, I'm waiting on
19 you.

20 THE COURT: So go ahead, and we'll
21 just stop whenever you're ready to take them out.

22 Make your offer.

23 MR. TINKER: I know we're kind of in
24 a break, Your Honor, but I -- well, anyway, let me
25 address the Court with regards to the records. I

1 would like to make a record of exactly what it is
2 Your Honor gave us, and they're not fan club
3 records, they are Selena Etc. records.

4 THE COURT: Well, I'm not sure that
5 they're that indivisible, perhaps you could develop
6 that from the witness.

7 MR. TINKER: They're two separate
8 incidents. He's already said that he didn't have
9 anything to do with it. He said he looked at the
10 fan club records and decided she was stealing.

11 THE COURT: I'm suggesting it's not
12 developed to the witness. If either one of you
13 wish --

14 MR. TINKER: I was starting to ask
15 him questions. If you want them to do it, I'll let
16 them do it.

17 THE COURT: They have the first
18 option. It's their witness
19
20
21
22
23
24
25

1 CONTINUATION OF DIRECT EXAMINATION

2 OUTSIDE THE PRESENCE OF THE JURY

3 BY MR. VALDEZ:

4 Q. Mr. Quintanilla, did you obtain certain records
5 from the fan club?

6 A. I did.

7 Q. And what did you do with those records?

8 A. I gave them to Tony Canalis; and, I think, they
9 were turned over to -- if I understood, to the
10 Court.

11 Q. Did you give them to your lawyer, who's
12 representing you, Mr. Canalis?

13 A. Yes, sir.

14 Q. And that was supposed to be turned over to the
15 Court?

16 A. Yes, sir.

17 Q. Those were the records upon which you based
18 your suspicions and based your opinion?

19 A. Yes, sir.

20 Q. You turned everything over to the Court?

21 A. Yes, sir.

22 Q. Now, as far as the records for Selena Etc., did
23 you have some of those records also?

24 A. No, sir.

25 Q. You don't have any of those records?

1 A. I don't have any of those. I had nothing to do
2 with her business.

3 Q. Pardon me?

4 A. I was not involved with her business of
5 Selena Etc.

6 Q. Do you know if anybody else has those records?

7 A. Well, I know that -- that there was several
8 attempts to bring them back from Yolanda. She had
9 taken them with her.

10 Q. Do you know if anybody else that's employed by
11 you has those records?

12 A. No, sir.

13 MR. VALDEZ: That's all the questions
14 I have, Your Honor.

15

16

17

18

19

20

21

22

23

24

25

CROSS-EXAMINATION

OUTSIDE THE PRESENCE OF THE JURY

BY MR. TINKER:

Q. Didn't -- Mr. Quintanilla, didn't -- weren't those fan club records turned over to your accountant?

A. To my who?

Q. Your accountant?

A. No, sir.

Q. What did you do with the fan club records that you claim you looked at?

A. I gave them to Mr. Tony Canalis.

MR. TINKER: Your Honor --

Q. (By Mr. Tinker) And those are the records that you were referring to when you were trying to answer the question about whether or not you had decided --

A. Those are the ones --

Q. May I finish the question?

A. I'm sorry.

THE COURT: Excuse me, counsel. The Court is the only one here that instructs witnesses. Now, counsel, I want to say to you right now the witness has apologized. No apology

1 is required, but he does need to be given some
2 instructions about courtroom procedure, in the
3 interim.

4 You do need -- he is correct. You do
5 need to let him finish the question.

6 Continue.

7 Q. (By Mr. Tinker) Mr. Quintanilla --

8 THE COURT: Just one moment. We'll
9 allow the jurors to leave.

10 (Jurors are taken through the
11 courtroom.)

12 THE COURT: You may continue.

13 Q. (By Mr. Tinker) When you were about to answer
14 the question about you looked at records and
15 concluded that there was a theft or whatever your
16 answer was going to be, were you talking about fan
17 club records?

18 A. Fan club records.

19 MR. TINKER: May I approach the
20 bench, Your Honor?

21 THE COURT: Uh-huh.

22 MR. TINKER: What I would like to
23 tender to the Court, Your Honor, and I apologize to
24 the Court. These are records that we made a copy
25 of that you gave us for our client to look at. So

1 there's some notes of her's on here, and we'll get
2 copies of them. But the records that you gave us,
3 Your Honor, which is a set right here --

4 THE WITNESS: I would like to clarify
5 that a little bit more.

6 THE COURT: You may.

7 THE WITNESS: What I found was a
8 check that she had made out to herself where we
9 checked the signatures, there were forged
10 signatures. We also found a letter where she wrote
11 to Bank One of San Antonio pretending that she's
12 her sister, Lang; and she sends this girl, Yvonne
13 Peralez, to deposit \$3,000 cash to the bank, and
14 then supposedly this girl ran off with the money.
15 And I asked her who Yvonne Peralez was and her
16 answer in front of Selena and Suzette was that she
17 didn't know who this Yvonne Peralez was.

18 And I said, "You didn't trust the
19 officers of the fan club, the treasurer, with the
20 money; but you trust a stranger to go deposit
21 \$3,000, and that stranger disappears?"

22 THE COURT: All right.

23 THE WITNESS: That's what the records
24 that I found.

25 THE COURT: All right. Go ahead.

1 Q. (By Mr. Tinker) And those were fan club
2 records, were they not, Mr. Quintanilla?

3 A. They were checks and letters that she wrote.

4 Q. And you gave those to your lawyer, Mr. Canalis,
5 for him to file a motion to prevent us from seeing
6 those, didn't you?

7 A. No. Q Productions' are the ones we filed to
8 quash.

9 Q. But you gave them to the same lawyer? The same
10 lawyer has those records that filed the motion to
11 quash?

12 A. I gave everything -- I mean, the records are
13 those papers that we found.

14 Q. To Tony Canalis?

15 A. To Tony Canalis.

16 Q. And he's the same lawyer that filed the motion
17 to prevent us from discovering your records, isn't
18 that true?

19 A. For Q Productions, yes.

20 Q. And that's where those records are today, to
21 your knowledge?

22 A. I don't know about that.

23 Q. The records that you're relying on to testify
24 today are in the hands of your lawyer, Tony
25 Canalis?

1 A. I don't know.

2 Q. That's the last time you saw them, that's where
3 they were?

4 THE COURT: Well, for the record,
5 they're in the court.

6 MR. TINKER: Well, at least copies
7 are in the court.

8 Q. (By Mr. Tinker) In any event, that's the last
9 time you saw them?

10 A. Yes, sir.

11 MR. TINKER: Your Honor, I just
12 wanted to tender to the Court. These are the
13 documents that you turned over to us, and you'll
14 see that none of them are fan club, they're all
15 Selena Etc., and those are -- and again, I don't
16 want to make it part of the record because they
17 have my client's notes.

18 THE COURT: All right. Anything
19 further?

20 MR. TINKER: Now, with regard to this
21 issue, Your Honor, I would request, again, that the
22 jury be instructed to disregard these comments
23 about what he discovered from looking at those
24 records. We haven't seen them, we tried to see
25 them. I request that his testimony concerning his

1 conclusion of theft be stricken, not just his
2 conclusions about the records, but his
3 conclusions, because we have no way of
4 cross-examining him without the records. And I
5 request that they be required to go into other
6 matters when the jury comes back.

7 THE COURT: Anything further?

8 MR. VALDEZ: Your Honor --

9 THE COURT: Of the witness?

10 MR. VALDEZ: Your Honor, nothing's
11 been offered as far as records are concerned. If
12 there were records, they wouldn't be offered for
13 the truth of the matter of certain in those records
14 other than -- the only offer would be to show that
15 Mr. Quintanilla had formed an opinion and formed a
16 suspicion based on that record, and he can testify
17 to that. There's nothing wrong with that.

18 MR. TINKER: Your Honor, any time
19 that he's basing his opinion on records, we're
20 entitled to see those records. We're entitled to
21 see them prior to trial. If the Court is going to
22 permit this and -- as a matter of fact, at this
23 time, because of what he's already testified to, I
24 ask for a continuance for at least one week. We're
25 going to have to deal with this issue so we can

1 have those records.

2 I'll request, if they're in your
3 possession, that you turn those over to me. It is
4 our belief that there are other records which we
5 have also subpoenaed, which Tony Canalis, his
6 lawyer, prohibited us from seeing by filing a
7 motion to quash. And I request a continuance of a
8 week so we can look at those records and prepare
9 for cross-examination of this witness.

10 THE COURT: Okay. Motion for
11 continuance is denied.

12 I want to clarify a few things with
13 the witness, outside the presence of the jury.

14 Mr. Quintanilla, your attorney,
15 Mr. Canalis, delivered to the Court two legal boxes
16 of material. Were you familiar with the contents
17 of those boxes?

18 THE WITNESS: Well, I thought one was
19 the one that I gave him, those checks and the
20 letter that she wrote to Bank One, and I assumed
21 that the other ones were of Selena, Etc.

22 THE COURT: Okay. And so they were
23 both those records?

24 THE WITNESS: Yes, sir.

25 THE COURT: Okay.

1 Anything further of the witness?

2 MR. TINKER: I have nothing further
3 from the witness, Your Honor.

4 THE COURT: Then the witness may
5 stand down. Thank you, sir.

6 We'll resume at 1:00 o'clock.

7 Anything further at this time?

8 MR. TINKER: I don't know that you
9 ruled on that.

10 THE COURT: Not as to motion for
11 continuance.

12 MR. TINKER: I understand that.

13 THE COURT: To the extent that you
14 have raised an issue at this time, the Court
15 believes that it has provided you with the records
16 that are pertinent to this aspect of the case.

17 MR. TINKER: You're going to permit
18 him to testify that he looked at fan club records
19 and concluded there was theft from fan club records
20 and you have not given us any fan club records? I
21 just want the record to reflect that.

22 MR. VALDEZ: No. That's just not in
23 the record, Your Honor. He's just making that up.
24 That's not in the record.

25 MR. TINKER: Your Honor, I would like

1 to be sworn to testify under oath that I have not
2 received any of those fan club records, and I've
3 attempted to discover those.

4 THE COURT: Before we hear your
5 offer, what is your response to the fan club
6 records?

7 MR. VALDEZ: Your Honor, we're just
8 rehashing matters that were already taken care of
9 at pretrial.

10 THE COURT: Okay. Counsel, I want a
11 factual response.

12 MR. VALDEZ: The factual response is
13 this, Your Honor: The records that Mr. Quintanilla
14 is testifying about were made available to the
15 Court for inspection to turn over to the defense.
16 And that's everything that he's talking about so
17 far, that he's talked about so far has been made
18 available. We're not going into any other matters
19 that have not been made available. Everything that
20 Mr. Quintanilla had was turned over to the Court.

21 THE COURT: All right. That is my
22 belief at this time.

23 MR. TINKER: Your Honor, turning them
24 over to the Court doesn't assist the defense in
25 cross-examining a witness who's testifying from the

1 records that you have.

2 THE COURT: Yes, sir. And they will
3 remain with the Court in the file. And they will
4 be available.

5 MR. TINKER: I want the record to
6 clearly reflect that the fan club records have not
7 been turned over to us.

8 THE COURT: I'm not going to state
9 that.

10 MR. TINKER: Well, I would like to
11 have him testify that that's true.

12 MR. VALDEZ: Your Honor --

13 THE COURT: Let's see.

14 Mr. Quintanilla, I believe you have
15 to leave at this time. Sorry.

16 MR. SKURKA: Your Honor, will he be
17 required to testify again this morning?

18 THE COURT: No. Not this morning.
19 1:00 o'clock will be fine.

20 Do you want to be examined or --

21 MR. TINKER: Well, I think I'll wait
22 until he leaves, Judge. I can do it or he can do
23 it.

24 THE COURT: Well --

25 MR. HAGANS: I'll try.

1 DOUG TINKER,
2 having been first duly sworn, testified as follows:
3

4 DIRECT EXAMINATION
5

6 BY MR. HAGANS:

7 Q. Mr. Tinker, before this trial began, were you
8 aware of allegations or suspicions that
9 Mr. Quintanilla would testify or attempt to testify
10 that he had examined fan club records?

11 A. I don't know that I knew he was going to say he
12 examined fan club records. I knew that he was
13 going to say that he had obtained fan club records
14 from San Antonio.

15 Q. And based on that, did you attempt to obtain
16 fan club records?

17 A. I did.

18 Q. On more than one occasion?

19 A. I filed a motion to discover, which is on
20 record here. I got subpoenas out, attempting to
21 subpoena those records. And when you say, "on more
22 than one occasion," I'm sure in pretrial -- we had
23 more than one pretrial -- on each of those
24 occasions we raised those issues.

25 Q. As of this time, have you been provided by the

1 Court any fan club records?

2 A. No.

3 Q. Were you provided records regarding Selena
4 Etc.?

5 A. We were provided some records, not all that we
6 requested. Those -- and, again, I realize the
7 copies the Judge provided us are in your office.
8 I'd like to have those made a part of the record
9 here so it will show what we did receive. We
10 didn't receive all the records from Selena Etc.
11 What we did receive, as I understand, is those
12 Selena Etc. records that had been turned over to
13 the District Attorney because of an investigation
14 of embezzlement. That's my understanding of what
15 those records reflect.

16 Q. But with respect to any fan club records, as of
17 this time, have you been provided those or had an
18 opportunity to review them?

19 A. No.

20 Q. Do you feel that in order to properly protect
21 your client's Constitutional rights you need to be
22 able to see those in order to confront the
23 witnesses that have been brought forward to testify
24 against her?

25 A. If Mr. Quintanilla's going to be permitted to

1 testify that he looked at records and concluded
2 that there was theft or embezzlement, it's my
3 position that my client, Yolanda Saldivar, will be
4 denied effective assistance of counsel and the
5 right to confront and cross-examine, as that right
6 is guaranteed by the Constitution of the United
7 States and the State of Texas, because I cannot use
8 the records he relied upon in drawing his
9 conclusions.

10 MR. HAGANS: I think that's all the
11 questions I have.

12 THE COURT: All right.
13 Anything to say?

14
15
16
17
18
19
20
21
22
23
24
25

CROSS-EXAMINATION

BY MR. VALDEZ:

Q. Mr. Tinker, what records have you received?

A. I received the records that, again, are a package of records that I understand, and I'll make -- I've got them here, but my client has written on the copies, we will file those soon after lunch, but they are Selena Etc. records and no fan club records.

Q. Did you hear Mr. Quintanilla say that he turned over all the records that he's testifying about to the Court?

A. No. Mr. Quintanilla did not say that. He said he turned them over to his lawyer.

Q. Did you hear him say that his lawyer turned them over the Court?

A. What I heard him say was the last time he saw those records was when he gave them to his lawyer.

Q. Do you remember at pretrial the Court asking the lawyer to turn over the records for inspection in camera?

A. I do remember that.

Q. Do you remember the lawyer agreeing to comply with that request?

1 A. I remember the lawyer agreeing to do so.

2 Q. Now, do you know whether or not that was done?

3 A. I assume he turned over records to the Court;
4 but, since I didn't see those records, I can't
5 testify to what it was.

6 Q. So you don't know exactly what records we're
7 talking about?

8 A. No. And that's the point, I don't know what
9 he's talking about, I don't get to see them. If I
10 don't get to see them, how can I cross-examine this
11 man?

12 Q. Mr. Tinker, if you don't know what he's talking
13 about, how do you know you haven't seen them?

14 A. I haven't seen any fan club records.

15 THE COURT: All right.

16 MR. HAGANS: Judge, I do have one
17 other question after he's finished.

18 Q. (By Mr. Valdez) What records have been turned
19 over to the District Attorney's office?

20 A. Have been turned over to you?

21 Q. Yes.

22 A. I have no clue.

23 Q. You testified a little while ago that the
24 records that were turned over to the District
25 Attorney's office, the Selena Etc. records, you

1 have no idea what's been turned over to our office,
2 you have no idea what we have. You're just saying
3 that because you don't know.

4 A. Ask those questions one at a time.

5 Q. That's all.

6 A. In answer to your question. What I said was:
7 That it's my understanding the records that I
8 received from the Court were records that were
9 turned over to the Court by the District Attorney's
10 Office. But that doesn't tell me all the other
11 stuff you may have that you haven't shown me.

12 THE COURT: All right.

13

14

15

16

17

18

19

20

21

22

23

24

25

1 REDIRECT EXAMINATION

2
3 BY MR. HAGANS:

4 Q. With respect to the records that you actually,
5 received, was it a group of records approximately
6 three-quarters of an inch to an inch thick?

7 A. Yes. It's the records that are reflected that
8 I showed the Court.

9 Q. It certainly wouldn't comprise one or two boxes
10 of records that Mr. Quintanilla testified about?

11 A. No. Certainly not.

12 THE COURT: For the record, the Court
13 has inspected the entire two boxes on two
14 occasions, and has turned over to the defense all
15 matters which the Court believes that the defense
16 is entitled to.

17 MR. TINKER: Do you mind if I ask the
18 Court a question?

19 THE COURT: I usually mind, but I'll
20 consider it.

21 MR. TINKER: Your Honor, did you --
22 just for the record, did you, in your opinion, turn
23 over any fan club records to the defense?

24 THE COURT: I think there's some
25 confusion about the differentiation between the fan

1 club and the Selena Etc. That's really all I can
2 say.

3 MR. TINKER: Are there fan club
4 records that the Court has reviewed -- I'm not
5 going to ask you what they are -- that you have not
6 turned over to the defense?

7 THE COURT: Yes.

8 Anything further?

9 We'll be in recess until 1:00
10 o'clock.

11 (Lunch recess -- 12:00 - 1:05 p.m.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 THE COURT: Please be seated.

2 We're ready for the jury.

3 MR. VALDEZ: One minor thing before
4 we start. Are conferences here at the counsel
5 table being recorded or sent downstairs,
6 transmitted downstairs?

7 THE COURT: Yes.

8 MR. VALDEZ: They are? Even our
9 conferences, private conferences?

10 THE COURT: I suggest you turn it
11 off.

12 MR. TINKER: If you're embarrassed
13 about what you say.

14 Your Honor, may I address the Court?
15 I obtained copies of the records, it even still has
16 the folder that it came in from the Court,
17 reflecting what the records were that you did give
18 to us, and, for the record, Your Honor, I'd like it
19 to reflect it does -- even has the card from Joe
20 Castaneda, who was the investigator for the police
21 department. Apparently, those had been obtained
22 from him and then you turned them over to us. It
23 has, "from Judge Westergren."

24 THE COURT: Well, some of those.

25 MR. TINKER: It says, "from Judge

1 Westergren;" on the "Re: Embezzlement Charge;"
2 and those are the records that you gave me, and I'd
3 like the record to reflect what it is that we
4 received.

5 THE COURT: Now, the confusion is
6 that the Court generated some of those from the
7 boxes that was provided in additional information
8 to Mr. Castaneda.

9 MR. TINKER: For the record, Your
10 Honor, the only thing I received from the Court was
11 this.

12 THE COURT: It may very well be.

13 MR. TINKER: I just want the record
14 to reflect what it was, since it doesn't have any
15 fan club records in here.

16 THE COURT: Again, the Court -- fine.

17 MR. TINKER: And I would tender to
18 the Court -- and I don't know how we get them back
19 at some point in time; but can we have copies made
20 and return this to us for our use?

21 THE COURT: Anything you can work
22 out.

23 MR. TINKER: Can we have this called
24 Court's Exhibit 1?

25 THE COURT: Yes.

1 Any objections? This is not for the
2 jury.

3 MR. VALDEZ: Your Honor, we don't
4 know what he's tendering. We have no idea other
5 than what he's saying it is; we haven't looked at
6 it. May we have some opportunity to examine the
7 records, Your Honor?

8 THE COURT: If you feel you should.

9 MR. VALDEZ: Yes, sir. We would like
10 to look and see what he's offering.

11 THE COURT: No. No. He's not
12 offering anything.

13 MR. VALDEZ: Tendering.

14 MR. TINKER: I'd like him to keep it
15 in order because that's the order I got them in.

16 MR. VALDEZ: Your Honor, we don't
17 know how these would be relevant. That's the only
18 objection we have.

19 THE COURT: Counsel, they're not
20 being offered.

21 MR. VALDEZ: Okay. Judge, the
22 Court -- we ask that we have an objection. That's
23 what we object to. We don't know if there's any
24 issue that these would be relevant.

25 MR. TINKER: The relevance is, Your

1 Honor, is to show what we did get; and the record
2 will clearly reflect what we didn't get.

3 THE COURT: This is purely for the
4 record. Overruled.

5 MR. TINKER: And I would like copies
6 made.

7 THE COURT: All right. Anything
8 else? Are we ready for the jury?

9 MR. TINKER: Yes, Your Honor.

10 I would like to understand what the
11 ruling is. Is the Court going to permit him to say
12 he looked at records of the fan club and concluded
13 that there was theft going on?

14 THE COURT: What do you intend to do,
15 Counsel?

16 MR. VALDEZ: I'm going to ask him
17 about the meeting on the 9th of March and what
18 occurred at the meeting, and that's where we're
19 going to go.

20 MR. TINKER: If he's going to testify
21 at the meeting he told her he looked at the records
22 and concluded there was theft, I object to that,
23 because we don't get to cross-examine from the
24 records he claimed he used.

25 MR. VALDEZ: I don't intend to ask

1 him anything more about the records, just about the
2 meeting that occurred on March 9th and what
3 occurred at the meeting and go from there.

4 THE COURT: All right.

5 Bring him in.

6 Good afternoon, sir.

7 All right. Bring in the jury.

8 Good afternoon, ladies and

9 gentlemen. Please be seated.

10 You may proceed with your questions.

11 MR. VALDEZ: Thank you, Your Honor.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Suzette; and me and the defendant.

2 Q. Yolanda Saldivar?

3 A. Yes, sir.

4 Q. And what happened at the meeting?

5 A. Well, I showed her some documents that we
6 had -- that we had found.

7 MR. TINKER: Your Honor, again, I'm
8 going to object, unless I'm going to be permitted
9 to see the documents that he claims he showed her.

10 THE COURT: Overruled.

11 Q. (By Mr. Valdez) And what else happened? What
12 did you do after that?

13 A. I proceeded to question her about these
14 documents.

15 Q. And what did you question her about?

16 A. Who this Yvonne Peralez was.

17 Q. And did the defendant have any answers?

18 A. Her answer was, "I don't know."

19 Q. Did you at that time make any threats to the
20 defendant, any physical threats?

21 A. No, sir.

22 Q. Did you make any other kind of threats?

23 A. No, sir.

24 Q. Did you tell her you were going to take any
25 type of action?

1 A. At the end of the meeting, I did.

2 Q. What did you tell Yolanda Saldivar that night?

3 A. I told her that I was going to go to the police
4 and make an investigation for embezzlement.

5 Q. Excuse me?

6 A. I told her that I was going to go in the
7 morning and proceed to make an investigation of
8 embezzlement.

9 Q. And did the defendant answer you? Did she have
10 any answers for you that night?

11 A. No, sir.

12 Q. What time did the meeting occur?

13 A. It was set for, I think, around 8:00 o'clock,
14 but she showed up late. She was one hour late.
15 She got there about 9:00 o'clock.

16 Q. And this was on Thursday, March 9th?

17 A. March the 9th.

18 Q. Did you do anything else that night, you
19 yourself, with regards to the defendant, Yolanda
20 Saldivar?

21 A. Well, just, I mean, we proceeded to question
22 her; me and my daughter Selena, and my other
23 daughter.

24 Q. How long did the meeting last?

25 A. Approximately around 30 minutes.

1 year, Thursday, March 9th. On that day did you
2 have an opportunity to meet with Yolanda Saldivar?

3 A. Yes, I did.

4 Q. And where did that meeting occur?

5 A. There at our Q Productions, off of Leopard.

6 Q. Is there an office there?

7 A. Yes. Selena had a section of the building that
8 was for her sewing, and upstairs was an area like
9 an office.

10 Q. And where exactly did the meeting occur?

11 A. Upstairs in the office part.

12 Q. Who was present at the meeting?

13 A. Myself, Yolanda, Selena, and my father.

14 Q. And what was the meeting about, Suzette?

15 A. We had --

16 Q. Go ahead.

17 A. We had planned to move the fan club to Corpus
18 Christi, and Dad -- when all this happened, we got
19 the paperwork from San Antonio and none of the
20 papers were there, none of the bank statements,
21 nothing.

22 MR. TINKER: Your Honor --

23 Excuse me, again.

24 I object to this. I filed a motion
25 concerning this. I will continue my objection to

1 this kind of questioning.

2 THE COURT: Overruled.

3 Q. (By Mr. Valdez) What happened at the meeting?

4 Tell the jury what happened.

5 A. We sat down and Yolanda was quiet and Selena

6 just sat there and my dad started pointing out

7 things to Yolanda and asking her questions about

8 certain things, what we did have.

9 Q. Did Yolanda have any answers for those
10 questions?

11 A. No. She just -- "Mr. Quintanilla, I -- I -- we

12 have records of that. I don't know what happened

13 to them. They were in the blue book." And she

14 kept on saying that, and then he'd ask her about

15 something else and she didn't have an answer to

16 anything.

17 Q. Did your dad, Mr. Quintanilla, threaten Yolanda

18 at any time during that meeting?

19 A. No.

20 Q. Did he threaten her with any physical violence?

21 A. No.

22 Q. Did he tell her he was going to take some kind

23 of action?

24 A. Yes. He said that he was going to pursue it

25 legally.

1 Q. By doing what?

2 A. I guess file it through the court, take it to
3 the hands of the law.

4 Q. Was there any reaction from Yolanda Saldivar?

5 A. No, not really. She just looked like she
6 didn't have an answer to any of the questions.

7 Q. And that happened on March 9th?

8 A. It was a Thursday.

9 Q. Do you remember what time the meeting was?

10 A. I can't. Around 8:00 or 9:00; it was already
11 dark outside.

12 Q. What happened after the meeting, if anything?
13 What did you do?

14 A. I got up and I got kind of close to Yolanda in
15 the face and I pointed to her and I told her that
16 she was a liar and she was a thief.

17 Q. Did you threaten her at any time with physical
18 violence?

19 A. No. Never.

20 Q. Did you see her after that?

21 A. No, I did not.

22 Q. Had you seen her before today in court?

23 A. No.

24 Q. Had you talked to her at all?

25 A. No.

1 BE IT REMEMBERED that on the
2 21st day of December, 1995, the above entitled
3 and numbered cause came on for hearing before
4 the said Honorable Court, HONORABLE MIKE
5 WESTERGREN, Judge Presiding, and the following
6 proceedings were had:

7
8 THE COURT: Please be seated.
9 Court calls for hearing in motion for
10 new trial.

11 MR. MCGUIRE: Judge, I probably
12 oughta make a little statement, just to clarify
13 where we are, on the record.

14 On November 22nd, we prepared and
15 mailed to the 228th District Court, by
16 certified mail, an original motion for new
17 trial. On that same date, we filed an
18 identical original with the 214th in
19 Corpus Christi. The original motion that was
20 addressed to the 228th was apparently lost in
21 the mail.

22 On the 27th of November, which was
23 the deadline for filing a motion for new trial,
24 Miss Patricia Saum filed a notice of filing of
25 original affidavit of Clara Castro Sanchez, the

1 Defendant's Motion for New Trial, and filed as
2 an attachment to that a copy of the motion for
3 new trial, which we had made to the 228th
4 District Court.

5 So, I just wanted the record to
6 reflect where we were on the paperwork.

7 THE COURT: Duly noted.

8 MR. MCGUIRE: Okay. If the
9 Court is ready, we would call Arnold Garcia, to
10 the stand, Your Honor.

11 THE COURT: Okay. Is this a
12 factual matter?

13 MR. MCGUIRE: Yes, Your Honor.

14 (Witness Sworn.)

15 Your Honor, before beginning the
16 questioning of Mr. Garcia, there are couple of
17 other matters that we have discussed with the
18 district attorney's office that we might take
19 care of.

20 Abraham Quintanilla, the father of
21 Selena, appeared on a Spanish television show,
22 Premire Impacto, on December 5th of 1995. We
23 have a tape of that interview. We, also, have
24 an English translation copy, of which we have
25 provided to the district attorney's office;

1000 1000 7817 1747

1 and it's my understanding that both sides are
2 agreeable to stipulating that the tape is an
3 accurate reproduction of the interview on
4 Premire Impacto, and that the -- the
5 translation is an accurate translation.

6 MR. SKURKA: That's correct,
7 Judge. Mr. Valdez viewed the tape -- not the
8 tape, but the program itself, and we've had the
9 transcript for a few days. We don't doubt the
10 authenticity of it.

11 MR. MCGUIRE: At this time,
12 then, Your Honor, we would offer, as
13 Defendant's Exhibits 1 and 2, the videotape and
14 the transcript.

15 THE COURT: Admit.

16 MR. MCGUIRE: Your Honor, the
17 purpose of this offer goes to the point that we
18 raised in the motion for new trial regarding
19 the discovery issue of the records which -- the
20 financial records of the Selena Fan Club. It's
21 my understanding that, during the trial, those
22 records were sought by the defense, that
23 records were provided to the Court by
24 Mr. Quintanilla, and that there was a
25 representation made that there were no relevant

FORM CSR - LASER REPORTERS PAPER & MFG CO 800 620 6313

1 financial records pertaining to the Selena Fan
2 Club.

3 The tape of the interview which
4 occurred on December 5th is a tape of
5 Mr. Quintanilla discussing with the interviewer
6 financial records which he claimed supported
7 his allegation that embezzlement was being done
8 by Miss Saldivar. It's our position in this
9 case that, because of the failure of
10 Mr. Quintanilla and the state to reveal those
11 records to defense, that defense was prevented
12 from being able to adequately represent
13 Miss Saldivar, in that they had no way of
14 knowing in advance what sort of evidence, if
15 any, existed regarding the embezzlement issue.
16 As a result of that, they altered their trial
17 strategy and were not able to place her on the
18 stand, because they did not know with what they
19 would be confronted, if they did that. So
20 that's the issue that that relates to.

21 The second thing, that we would like
22 to --

23 THE COURT: Just a moment. Let
24 me see that transcript.

25 (Handed to the Court.)

1 Q. You didn't call me and talk to me and
2 said, "Well, look, they're gonna revoke my
3 probation if I testify?"

4 A. No.

5 MR. TINKER: I pass the witness.

6 MR. SKURKA: I don't think we
7 have any other questions, Judge. We'll pass
8 the witness, also.

9 THE COURT: You may step down.

10 THE WITNESS: Thank you.

11 MR. SKURKA: We have no other
12 witness, Your Honor.

13 MR. MCGUIRE: We rest.

14 THE COURT: All right. And
15 that's all the evidence.

16 MR. SKURKA: Yes, sir.

17 THE COURT: All right. You wish
18 to argue?

19 MR. MCGUIRE: Your Honor, in the
20 motion for new trial, we have raised two points
21 that I'd like to address in argument.

22 The first has that do with the denial
23 of the right of the defendant to effective
24 assistance of counsel and a confrontation of
25 witnesses by the failure of the state to allow

0001 0001 0813 2944